IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 25TH MAY 2007 / 4TH JYAISHTA 1929

WP(C).No. 15883 of 2007(N)

PETITIONER:

MR.MADHUSOODHANAN PILLAI
MURIKKANATTIL, MEENATHALAKARA
MANJADY P.O., THIRUVALLA

BY ADV. SRI.ABRAHAM VAKKANAL
SRI.PAUL ABRAHAM VAKKANAL
SRI.BIJIMON C.CHERIAN
SMT.K.S.SUMITHA

RESPONDENTS:
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1. **THE SECRETARY**
THIRUVALLA MUNICIPALITY
PATHANAMTHITTA DISTRICT

2. **ASHA MURALIDHARAN**
DEVA SADANAM, MANJADY P.O.
THIRUVALLA

3. **THE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS, TRIDA COMPLEX, MEDICAL COLLEGE P.O.**
THIRUVANANTHAPURAM

BY ADV. SRI.SUBHASH CHAND, SC
Sr. G.P. SRI.K.J.MUHAMMED ANZAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

W.P.(C).No.15883 OF 2007

Dated this the 25th day of May, 2007

JUDGMENT

When this matter came up, learned counsel for the petitioner submits that the Tribunal has subsequent to the filing of the writ petition granted stay of the impugned order in the appeal till 15/06/2007. The prayers in the writ petitions are:

> a) issue a writ of mandamus or other appropriate writ or direction commanding the third respondent is to consider and pass orders on Exts.P14 and P14(a) within a specified time after hearing and to stay the operation and implementation of Ext.P13 order till that time;
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> b) declare that the construction of the residential building constructed by the petitioner in his property was according to the building permit issued to him and certified so as per the occupancy certificate and that no violation of building rules is made by the petitioner.

I do not think it necessary to consider prayer (b) as the matter has been siezed of by the appellate body before whom petitioner filed an appeal. As the petitioner has availed of the alternate remedy and obtained an interim order, it is not necessary for me at this stage to consider this writ petition. Accordingly, the writ petition is closed. In regard to the prayer for stay beyond 15/06/2007, I leave it open.

K.M.JOSEPH
JUDGE

sv.